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Electronically Filed

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v

**\$134,000.00 IN UNITED STATES
CURRENCY REPRESENTING:**

**\$67,000.00 IN UNITED STATES
CURRENCY CONTAINED IN ACCOUNT
NUMBER 381014977343 IN THE NAME
AND/OR FOR THE BENEFIT OF SOOJI
PARK, HELEN C. KWAK AND HENRY
KWAK AT BANK OF AMERICA, 5701
HORATIO STREET, UTICA, NEW
YORK 13502; and**

**\$67,000.00 IN UNITED STATES
CURRENCY CONTAINED IN ACCOUNT
NUMBER 381014977356 IN THE NAME
AND/OR FOR THE BENEFIT OF SOOJI
PARK, HELEN C. KWAK AND HENRY
KWAK AT BANK OF AMERICA, 5701
HORATIO STREET, UTICA, NEW
YORK 13502**

Hon. Stanley R. Chesler

Civil Action No. 10-5838

**DEFAULT JUDGMENT AND
FINAL ORDER OF FORFEITURE**

Defendant in rem.

WHEREAS, on November 10, 2010, a Verified Complaint for Forfeiture *In Rem* was filed in the United States District Court for the District of New Jersey against the defendant property defendant property, namely \$134,000.00 in United States currency representing: \$67,000.00 in United States currency contained in account number 381014977343 in the name and/or for the benefit of Sooji Park, Helen C. Kwak and Henry Kwak at Bank of America, 5701 Horatio Street, Utica, New York 13502 and \$67,000.00 in United States currency contained in account number 381014977356 in the name and/or for the benefit of Sooji Park, Helen C. Kwak and Henry Kwak at Bank of America, 5701 Horatio Street, Utica, New York 13502 to enforce the provisions of Title 31, United States Code, Section 5317(c)(2) which subjects to forfeiture to the United States any property involved in a violation of Title 31, United States Code, Section 5324(a); and

WHEREAS, pursuant to the Warrant for Arrest *In Rem* issued by the Clerk of the Court on November 18, 2010, the Internal Revenue Service seized the defendant property; and

WHEREAS, on November 29, 2010, the United States sent the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and a Notice of Forfeiture by certified mail, return receipt requested to potential claimant Helen C. Kwak, 430 2nd Street, Carlstadt, New Jersey 07072-1420 (*see* Declaration of Peter W. Gaeta with Exhibits, Exhibit A, hereinafter “Gaeta Decl.”); and

WHEREAS, on November 30, 2012, the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and Notice of Forfeiture were received by potential claimant Helen C. Kwak, 430 2nd Street, Carlstadt, New Jersey 07072-1420 (*id*);

WHEREAS, on November 29, 2010, the United States sent the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and a Notice of Forfeiture by certified mail, return receipt requested to potential claimant Mr. Henry Kwak, 430 2nd Street, Carlstadt, New Jersey 07072-1420 (Gaeta Decl., Exhibit B); and

WHEREAS, on November 30, 2012, the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and Notice of Forfeiture were received by potential claimant Henry C. Kwak, 430 2nd Street, Carlstadt, New Jersey 07072-1420 (*id*); and

WHEREAS, on November 29, 2010, the United States sent the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and a Notice of Forfeiture by certified mail, return receipt requested to potential claimant Ms. Sooji Park, 12 Wheaton Place, Rutherford, New Jersey 07070-2320 (Gaeta Decl., Exhibit C); and

WHEREAS, on January 3, 2011, the Verified Complaint for Forfeiture *In Rem*, Warrant for Arrest *In Rem*, and Notice of Forfeiture sent to potential claimant Ms. Sooji Park, 12 Wheaton Place, Rutherford, New Jersey 07070-2320 was returned to the United States as “unclaimed” (*id*); and

WHEREAS, Notice of Civil Forfeiture was posted on an official government internet website (www.forfeiture.gov) for at least 30 consecutive days, beginning on November 30, 2010, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (Gaeta Decl., Exhibit D); and

WHEREAS, on December 23, 2010, a verified claim was filed by Jeremy M. Klausner, Esq. on behalf of Helen Kwak; and

WHEREAS, on December 28, 2010, a verified claim was filed by Howard B. Leopold, Esq. on behalf of Henry Kwak and Sooji Park; and

WHEREAS, on January 11, 2011, an answer to the Verified Complaint for Forfeiture *In Rem* was filed by Jeremy M. Klausner, Esq. on behalf of Helen Kwak; and

WHEREAS, on January 11, 2011, answers to the Verified Complaint for Forfeiture *In Rem* was filed by Howard B. Leopold, Esq. on behalf of Henry Kwak and Sooji Park; and

WHEREAS, on June 8, 2012, Jeremy M. Klausner, Esq. filed a withdrawal of claim on behalf of Helen Kwak; and

WHEREAS, on June 8, 2012, Howard B. Leopold, Esq. filed a withdrawal of claim on behalf of Henry Kwak and Sooji Park; and

WHEREAS, in order to avoid forfeiture of the defendant property, any other person claiming an interest in, or right against, the defendant property must file a Claim under penalty of perjury identifying the specific property claimed,

identifying the claimant and stating the claimant's interest in the property in the manner set forth in Rule G(5) of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims, Federal Rules of Civil Procedure and 18 U.S.C. § 983(a)(4)(A), except that in no event may such Claim be filed later than 60 days after the first day of publication on the above-referenced official government internet website, and having filed such a Claim, must also file an answer to the complaint not later than 20 days after the filing of the Claim; and

WHEREAS no other Claim has been filed by any other person within the time permitted by Rule G(5) of the Supplemental Rules for Certain Admiralty or Maritime and Asset Forfeiture Claims, Federal Rules of Civil Procedure for the defendant property in this matter; that is, no other Claim was filed by January 29, 2011.


NOW THEREFORE, IT IS HEREBY, ORDERED, ADJUDGED AND DECREED:

THAT a Default Judgment and a Final Order of Forfeiture is granted against the defendant property, namely \$134,000.00 in United States currency representing: \$67,000.00 in United States currency contained in account number 381014977343 in the name and/or for the benefit of Sooji Park, Helen C. Kwak and Henry Kwak at Bank of America, 5701 Horatio Street, Utica, New York 13502 and \$67,000.00 in United States currency contained in account number 381014977356 in the name and/or for the benefit of Sooji Park, Helen C. Kwak and Henry Kwak at Bank of America, 5701 Horatio Street, Utica, New York 13502,

and no right, title or interest in the defendant property shall exist in any other party; and

THAT any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposits, as well as any income derived as a result of the Internal Revenue Service's management of any property forfeited herein, after the payment of costs and expenses incurred in connection with the forfeiture and disposition of the forfeited property, shall be deposited forthwith by the Internal Revenue Service into the Department of Treasury Asset Forfeiture Fund, in accordance with the law.

ORDERED this 19 day of July, 2012.



HONORABLE STANLEY R. CHESLER
UNITED STATES DISTRICT JUDGE